IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

WRIT PETITION NO : 10620 of 1995

Between:

1 Narayana S/o. Anjaiah
r/o. Chandoli Village, Pettikonda Mandal, Kurnool District.
2 Thimmappa S/o. Anjaiah
r/o. Chandoli Village, Pettikonda Mandal, Kurnool District.
3 Sunkanna S/o. Pedda Yellanna
r/o. Chandoli Village, Pettikonda Mandal, Kurnool District.

..... PETITIONERS

AND

1 The Addl. Revenue Divisional Officer, Land Reforms, Kurnool.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Inspector, Pattikonda Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction restraining the respondents herein from taking possession and distribution of the land covered by S.No. 769/1 (AC. 11.83) situated at Pandicone village Hamlet of Chandoli Village Pattikonda mandal of Kurnool District in pursuance of the proceedings of the 1st respondent passed in C.C.No. 2736/PKD/75 dt 14-3-1995 and the consequential proceedings of the 2nd respondent herein passed in his C.C.No. 2736/PKD/75 dt 30-3-95.

Counsel for the Petitioner: MR.K.PALAKSHA REDDY

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

ORDER:

The present writ petition has been filed seeking a writ of mandamus restraining the respondents from taking possession and distribution of the land covered by S.No. 769/1 to an extent of Ac.11.83 cents situated in Pandicone village of Pattikonda Mandal in Kurnool District in pursuance of the proceedings of the first respondent passed in C.C. No. 2736/PKD/75 dated 14.3.1995 and the consequential proceedings of the 2nd respondent passed in C C No. 2736/pkd/75 dated 30-3-1995.

The case of the petitioners is that the land covered by S.No. 769/1 to an extent of Ac.11.83 cents situated in Pandicone village of Pattikonda Mandal in Kurnool District was originally belonged to their paternal aunt by name Hanumakka and after the death of the said Hanumakka it devolved upon their fathers and after the death of their fathers, petitioners have been in possession of the said land for the last 40 years. It is their further case that during the life time of the said Hanumakka she mortgaged the said land to one Chinna Kesava Reddy, and according to the survey, it was found that the said Chinna Kesava Reddy was in excess holdings of land. Consequently, the 1st respondent directed Chinna Kesava Reddy to surrender the lands towards excess ceiling area and on that the said Chinna Kesava Reddy surrendered the land in question along with other lands towards the excess ceiling area, but the 1st respondent refused to accept the land in question on the ground that it is a disputed land, but ultimately Chinna Kesava Reddy filed C.R.P. No. 722/91 and this Court by order dated 3.7.1993 directed the 1st respondent to accept the surrender of the land in question towards excess ceiling area. Accordingly the 1st respondent through is proceedings in C C No. 2736/PKD/75 dated 14.3.1995 accepted the surrender of the land in question along with other proposed lands by said China Kesava Reddy. Petitioners vehemently contend that neither themselves

nor their fathers are aware of the proceedings of the 1st respondent from the beginning. Thus, in pursuance of the proceedings of the 1st respondent, the 2nd respondent by his proceedings dated 30.3.1995 directed the said Chinna Kesava Reddy to deliver possession of the lands including the land in S.No. 769/1 to an extent of Ac.11.83 cents to the 3rd respondent on or before 8.4.1995. On that the 3rd respondent is threatening the petitioners to take possession of the land in question and is trying to disturb the same in accordance with the provisions of the A.P Land Ceiling Act, 1073. Hence the petitioners approached this Court with the present writ petition.

Heard the learned counsel for the petitioners.

It can be seen from the order of the learned Judge of this Court dated 3.7.1993 that the land in question was in possession of one Chinna Kesava Reddy as an usufructory mortgage and when once the said land was included in the holdings of the said Chnna Kesava Reddy, he was entitled to surrender the land in question. Therefore, in view of the fact that the said Chinna Kesava Reddy was entitled to surrender the land in question, petitioners cannot claim title over the said land, and it is a matter to be gone into evidence, and which cannot be agitated in this writ proceedings and hence this Court cannot interfere with the proceedings of the respondents by exercising jurisdiction under Art. 226 of the Constitution of India, and accordingly, the writ petition is liable to be dismissed.

In the result, the writ petition is dismissed. No costs.

30-09-2004 SMT. T. MEENA KUMARI, J.

kvsn/mhn

To

1 The Addl. Revenue Divisional Officer, Land Reforms, Kurnool.
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Inspector, Pattikonda Kurnool District.

4 Two CCs to the G.P. for Revenue, High Court Bldgs, Hyderabad.

5 Two CD copies.